

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

<b>SHAPAT NABAYA,</b>	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. <b>3:19-CV-215-L-BN</b>
	§	
<b>BUREAU OF PRISONS;</b>	§	
<b>WARDEN M. UNDERWOOD;</b>	§	
<b>JOHN DOE,</b> Head Dentist;	§	
<b>NFN BROADNAK,</b> Dental Assistant;	§	
<b>JOHN DOE PEREZ,</b> Dentist; and	§	
<b>JANE DOE BRAHAM,</b> Dental Assistant,	§	
	§	
Defendants.	§	

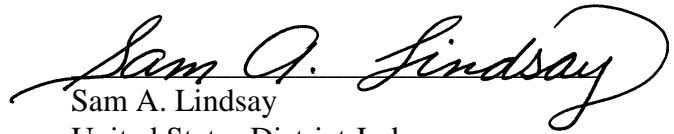
**ORDER**

The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 33) was entered on October 7, 2020, recommending that the court dismiss with prejudice Plaintiff’s claims, as amended under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against the remaining Defendants as barred by the doctrine of sovereign immunity or lack of availability of a *Bivens* remedy. As noted in the court’s November 27, 2019 order (Doc. 28), the claims against Warden M. Underwood were previously dismissed without prejudice for lack of jurisdiction. No objections to the Report were filed.

Having considered the habeas petition, as amended by Petitioner’s various responses to the magistrate judge’s questionnaires, the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action and Petitioner’s remaining claims against the Bureau of Prisons and the individual Defendants.

The court **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court incorporates by reference the Report (Doc. 33). *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Report, the court concludes that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

**It is so ordered** this 30th day of November, 2020.

  
Sam A. Lindsay  
United States District Judge